

## **REMARKS**

### **Overview**

This amendment accompanies a Request for Continued Examination (RCE).

Claims 17-30 are pending in this application. Claims 17, 21, 29 and 30 have been amended. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance are therefore respectfully requested.

### **Issues Under 35 U.S.C. § 103**

Claims 17, 18, 20-24 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 4,334,315 to Ono et al., in view of U. S. Patent No. 5,721,783 to Anderson.

Claim 17 has been amended to positively recite "processing the electrical signals using the processor to remove ambient and environmental interference and to package the electrical signals for transmission." Support for this amendment is found at least in the specification at page 8, second full paragraph. Neither Ono nor Anderson discloses performing such a step.

The Examiner has previously cited to Ono col. 3, lines 18-24 as disclosing a processor (Office Action, page 2). Ono's processing is highly limited as Ono indicates use of an amplifier and modulator. Such processing appears to merely prepare the signal for transmission. Thus Ono does not disclose "processing the electrical signals using the processor to remove ambient and environmental interference and to package the electrical signals for transmission."

Anderson does not disclose this limitation either. In fact, Anderson teaches away from such functionality in the earpiece as it is an object of the Anderson invention to remove audio signal enhancement functions from the earpiece and place them in an RPU (col. 2, lines 19-39).

Therefore this rejection to claim 17 should be withdrawn. As claims 18 and 20 depend from claim 17, these rejections should also be withdrawn.

Claim 21 has been amended in a similar manner. Therefore this rejection to claim 21 should also be withdrawn. As claims 22-24 and 27 depend from claim 21 these rejections should also be withdrawn.

Claims 19, 25, 26, and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono and Anderson in view of U. S. Patent No. 6,181,801 to Puthuff et al. These rejections are respectfully traversed.

Claim 19 depends from claim 17. Distinctions between claim 17 and the combination of Ono and Anderson have already been addressed. Puthuff does not remedy the deficiencies of the combination of Ono and Anderson. Claims 25, 26 and 28 depend from claim 21, which has already been discussed. Therefore, it is respectfully submitted that all rejections be withdrawn.

Claim 29 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono in view of U. S. Patent No. 5,917,698 to Viallet and U. S. Patent No. 5,664,012 to Chen. Claim 29 has been amended thereby mooting this rejection. In particular, claim 29 has been amended to further require that the speech processor is "adapted to compare similarities from bone conduction sensor transmissions and air conduction sensor transmissions, and extract the similarities. Support for this amendment found at least in the original specification at page 8, second full paragraph. Neither Ono nor Viallet nor Chen discloses this limitation. Therefore this rejection to claim 29 must be withdrawn.

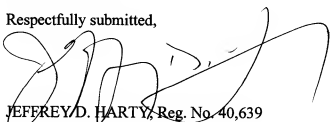
Claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,721,783 to Anderson in view of Viallet. Claim 30 has been amended thereby mooted this rejection.

### **Conclusion**

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for three months from April 11, 2006 to July 11, 2006. Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$1,020.00 for three months to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



JEFFREY D. HARTY, Reg. No. 40,639  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 22885**  
Attorneys of Record

- pw -